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**Title:** PLN20-0010; Consideration of an Administrative Review, Administrative Exception, Parking Exception, and Fence Modification request to operate a general day care facility located at 201 Foothill Blvd. An Administrative Review is required per Zoning Code section 2.04.212.C.2 to allow a general day care facility, an Administrative Exception is required per Zoning Code Section 2.04.400.A.2 to allow an accessory structure in the required front yard setback, a Parking Exception is required per Zoning Code Section 5.08.124 to allow a reduction in the required parking, and a Fence Modification is required per Zoning Code Section 4.04.364.C to allow the installation of a seven-foot high fence along the street side property line. Zoning District: RS Residential Single-Family District; Alameda County Assessor's Parcel Number 047-5580-003; Plazita Schools Inc. c/o Krystell Guzman (Applicant), Plazita Schools Inc. (Property Owner).

**Sponsors:** Andrew Mogensen

**Indexes:**

**Code sections:**

**Attachments:** 1. Project Description and Applicant Statement PLN20-0010, 2. Project Plans PLN20-0010, 3. AC Child Care Portfolio Data

Date	Ver.	Action By	Action	Result
9/3/2020	1	Planning Commission and Board of Zoning Adjustments		

**PLN20-0010;** Consideration of an Administrative Review, Administrative Exception, Parking Exception, and Fence Modification request to operate a general day care facility located at 201 Foothill Blvd. An Administrative Review is required per Zoning Code section 2.04.212.C.2 to allow a general day care facility, an Administrative Exception is required per Zoning Code Section 2.04.400.A.2 to allow an accessory structure in the required front yard setback, a Parking Exception is required per Zoning Code Section 5.08.124 to allow a reduction in the required parking, and a Fence Modification is required per Zoning Code Section 4.04.364.C to allow the installation of a seven-foot high fence along the street side property line. Zoning District: RS Residential Single-Family District; Alameda County Assessor's Parcel Number 047-5580-003; Plazita Schools Inc. c/o Krystell Guzman (Applicant), Plazita Schools Inc. (Property Owner).

**SUMMARY AND RECOMMENDATION**

The applicant, Plazita Schools Inc. c/o Krystell Guzman, is proposing a general day care facility within an existing 2,834 square-foot building to serve up to 50 children located at 201 Foothill Blvd. San Leandro Zoning Code Section 2.04.212.C.2 requires approval of an Administrative Review application prior to establishment of a general day care facility in the RS Residential Single-Family Zoning District. An Administrative Exception is required per Zoning Code Section 2.04.400.A.2 to allow a proposed accessory structure to be installed in the front yard setback, a Parking Exception is required per Zoning Code Section 5.08.124 to allow a reduction in the required parking for the

proposed day care, and a Fence Modification is required per Zoning Code Section 4.04.364.C to allow the installation of a seven-foot high fence along the street side property line.

Staff recommends that the Board of Zoning Adjustments Adopt Resolution 2020-011, approving an Administrative Review, Administrative Exception, Parking Exception, and Fence Modification for a general day care facility at 201 Foothill Blvd, PLN20-0010, based on the Findings of Fact and subject to the Conditions of Approval.

## **RELATIONSHIP TO SURROUNDING AREA & BACKGROUND**

The subject site at 201 Foothill Blvd. consists of an approximately 6,334 square foot corner lot developed with an approximately 2,843 square foot building previously occupied by a fire prevention equipment manufacturer and distributor. The prior occupant was a legal non-conforming use not otherwise permitted in the RS Zoning District under the current regulations of the San Leandro Zoning Code. According to the County Assessor's records, the building was built in 1923 and has been vacant over the past year.

The subject site is located at the northeast corner of the City limits, situated on the southwest corner of Foothill Blvd. and Durant Avenue, and is zoned RS Residential Single-Family Zoning District, as are the surrounding adjacent properties to the south and southwest of the parcel. North and east of the parcel are the City of Oakland's city limits and across Foothill Blvd. to the east is Interstate 580 (CalTrans right-of-way). The subject site is the last parcel on Foothill Blvd. within the City of San Leandro's city limits. The surrounding area consists of predominately residential uses with commercial uses such as restaurants, banks, and retail shops located a few blocks further to the west and northwest.

## **DETAILS OF THE PROPOSAL**

The Project proposes to operate a general day care facility that would provide Spanish immersion childcare activities and care for up to 50 children during operating hours. The facility will be licensed and regulated by the California Department of Social Services Community Care Licensing Division and subject to regular State health and safety inspections. The applicant has provided a statement that outlines the business operations and includes a detailed school agenda with activities, attached to this report.

### Operations:

The day care facility would be permitted to care for up to 50 children during operations. The facility would operate from 7:00 AM to 7:00 PM, Monday through Friday with drop-off and pick-up times in shifts during a normal operating day as follows (see attached project description for further operational details):

- From 7:00 AM to 8:30 AM - 25 children between the ages of 2-5 years old;
- From 8:45 AM to 3:00 PM - Remainder of 25 children between the ages of 2-5 years old arrive, with up to 50 children at the facility during this time;
- 3:00 PM - 20 children between the ages of 2-5 years old leave the facility, while 30 children stay; and

- From 3:30 PM to 6:00 PM - 20 children between the ages of 6-12 years old would arrive for afterschool care with the remaining 30 children ages 2-5 still at the facility.

Approximately 8-10 employees will work on-site with the number of employees based on the mandatory staffing to child ratio requirements pursuant to the State of California's Community Care Licensing requirements.

#### Floor Plan:

The existing 2,843 square foot building currently consists of a garage, office, bathroom, 3 study rooms / offices, and a closet as shown on Sheet A1-3 of the attached Project plans. The building would be remodeled to comprise three individual classrooms, one large multi-purpose room, restroom facilities, and a staff room as shown on Sheet A1-3 of the attached Project plans. Two classrooms and the multi-purpose room will include sink areas and one classroom will contain a diaper changing station.

#### Outdoor Play Areas, Trash Enclosure & Fencing:

The day care facility would provide outdoor play areas for the children, a proposed trash enclosure, and a new fence along the street side perimeter of the parcel. The front yard improvements include two proposed planter boxes, stamped concrete for the entrance, a 20'x20' accessory structure, and a playground structure with rubber playground flooring located under the accessory structure. The proposed trash enclosure is in the right corner of the rear yard and the proposed 9x9 sandbox is in the left corner of the rear yard. The existing metal fence will remain but the existing 6" security spikes will be removed, and wooden slats will be installed along the metal fence for additional privacy.

#### Parking and Circulation:

There are no parking spaces designated for the Project site, but public street parking is shown on the site plan, Sheet A1-2 of the attached Project plans, for potential locations that would be available (if not taken) for the childcare use. In addition, the surrounding area has ample public street parking adjacent to the Project site. The east side of Foothill Blvd. adjacent to Interstate 580 is available for street parking. The Project is conditioned to provide a passenger loading and unloading plan indicating where vehicles will queue for drop-off and pick-up of children.

### **STAFF ANALYSIS**

The proposed child care facility will repurpose a vacant commercial building that was once the location of a fire prevention supply company, an otherwise legal non-conforming use in the RS Zoning District. Repurposing the building as a child care facility is viable and would help alleviate the current critical shortage of child care facilities in Alameda County. Child care facilities are permitted in the RS Zoning District with Administrative Review. Of the four items being considered, the Parking Exception triggers the requirement for overall Project consideration by the Board of Zoning Adjustments. There are few alternatives for the use and redevelopment of the property given the land use restrictions in the RS Zoning District.

The current demand for child care far exceeds the available supply. Prior to COVID-19, child care facilities in Alameda County could only meet about 1/3 of the local demand. Child care is critically

important for many families in Alameda County and the availability/access to child care does not meet demand, as outlined in the supporting data attached to the staff report (California Child Care Portfolio). In addition to the scarcity of available child care facilities, finding affordable, high-quality child care is also a major challenge for many San Leandro families.

The proposed facility will operate within the guidelines and regulations set forth by the State of California's Community Care Licensing Program. Oversight and enforcement for licensed childcare centers located in California is the responsibility of the Community Care Licensing Division. The agency maintains a responsive compliance hotline with local inspection staff based in Oakland.

Staff finds that the benefits of providing additional child care capacity and the reuse of the property outweigh any inconveniences caused by street parking, especially given the ample street parking available along Foothill Blvd. Staff has worked with the applicant on improvements to the site that would help minimize disturbances. The recommended findings for approval identify that the proposal is compatible with the surrounding residential neighborhood and that the Parking Exception is justified because parking on surrounding streets is adequate with implementation of the recommended conditions of approval.

#### Administrative Exception

The Administrative Exception request would allow for an accessory structure to be installed in the front yard of the subject property, where accessory structures are not permitted to occupy the required front or corner side yard. The proposed accessory structure is a permanent shade structure that would be approximately 440 square feet and 14-feet high. Under the accessory structure a proposed playground structure and rubber playground flooring would be installed to provide additional play area for the children.

Staff has prepared recommended findings that the accessory structure would be appropriate for a childcare center and necessary to fulfill the required outdoor activity space, pursuant to the State requirements for 75 square feet of outdoor activity space per child. The Zoning Enforcement Official is normally responsible for the consideration of a request for an Administrative Exception. Because this item is being considered by the Board of Zoning Adjustments as part of the overall Project, the Board is responsible for considering the requested Administrative Exception, to confirm that the proposed location and design is acceptable.

#### Fence Modification

The Fence Modification request would authorize a modification to the existing seven-foot tall fence along the street side property line around the perimeter of the site. The existing metal fence is considered a legal-nonconforming structure pursuant to Chapter 4.20 Nonconforming Uses and Structures of the San Leandro Zoning Code, as it was built prior to the current fence regulations in the Zoning Code. The proposed alterations to the existing fence include adding wooden slats to increase privacy and remove the 6" metal spikes located along the top of the existing metal fence. Staff has prepared recommended findings that the modifications to the fence would be consistent with the design of the surrounding neighborhood, would accommodate the proposed day care use, and that the proposed location and design is acceptable.

#### Parking Exception

The Parking Exception request would authorize the day care facility to have no on-site parking, where 8 parking spaces would otherwise be required for the proposed child care facility. The surrounding area has available street parking for the public and the facility to utilize. The Project will have up to 50 children at any given time during operating hours and approximately 8-10 employees on-site. The children will primarily be dropped off and picked up by their parents or designated guardians during the staggered drop off schedule proposed by the applicant, generating a limited-time demand for parking. The Project is conditioned to provide a passenger loading and unloading plan indicating where vehicles will queue for drop-off and pick-up of children.

Staff has prepared recommended findings that the requested Parking Exception for the operation of the daycare facility is reasonable due to the location and availability of street parking and because the project would improve upon the existing site conditions. Additional General Plan policies, such as LU-2.4 described in the General Plan conformity section below, further support the recommended findings for approval. Finally, due to the exceptional shortage of available child care, the community benefit of the proposed child care facility outweighs the need for parking in the immediate area.

## **GENERAL PLAN CONFORMITY**

The General Plan land use designation for the Project site is RL Low Density Residential. This land use designation permits detached single-family homes and is characterized by lots of 5,000 to 10,000 square feet. This is the predominant residential development type in San Leandro and includes most of the neighborhoods developed between 1925 and 1990. The Project does not modify or remove an existing dwelling unit. The proposed child care facility would operate similar to other facilities in San Leandro. The use of the existing building space to accommodate the child care facility can be approved through an Administrative Review and is compatible. The proposed use has been evaluated and is not anticipated to be detrimental the public health, safety or welfare and would not be detrimental to properties and improvements in the surrounding residential area.

The following General Plan action, goals, and policies are relevant to this Project (note: LU-Land Use):

**Goal LU-1** Maintain stable, safe, and attractive neighborhoods.

**Policy LU-1.7 Day Care Centers in Neighborhoods.** To the extent permitted by State law, maintain regulations for large-family day care facilities (as defined by the State) and childcare centers which ensure that impacts on residential neighborhoods are minimized.

**Policy LU-2.1 Complete Neighborhoods.** Strive for “complete neighborhoods” that provide an array of housing choices; easy access to retail stores, commercial services, and medical care; quality public schools; great parks and open space; affordable transportation options; and civic amenities.

**Policy LU-3.4 Promotion of Infill.** Encourage infill development on vacant or underused sites within residential and commercial areas.

## **PUBLIC OUTREACH**

The Project received standard noticing for the September 3, 2020 Board of Zoning Adjustments hearing, including a legal advertisement in the East Bay Times Daily Review newspaper, the posting

of the notice on the property, and mailing notification to surrounding property owners within 500-foot radius of the subject site. Notices were also mailed to the City of Oakland, Cal Trans District 4 and the California Department of Social Services Community Care Licensing Division. Staff had not received any public comments at the time of the filing of this report.

## **ENVIRONMENTAL REVIEW**

This Project (PLN20-0010) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15301 Existing Facilities, Class 1 (a) and (e)(1), which involves minor alterations to the interior and exterior of the existing building.

## **RECOMMENDATION**

Staff recommends that the Board of Zoning Adjustments motion to adopt Resolution 2020-011, approving an Administrative Review, Administrative Exception, Parking Exception, and Fence Modification for a general day care facility at 201 Foothill Blvd, PLN20-0010, based on the Findings of Fact and subject to the Conditions of Approval.

## **ATTACHMENTS**

Resolution 2020-011 with Recommended Findings of Fact and Conditions of Approval  
Project Description and Applicant Statement  
Project Plans  
California Child Care Portfolio 2019 Statistics

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